

REMARKS

Claims 1-5 are pending in the application.

Claim 1 is amended to recite that "the plastic film is a film made of high-density polyethylene and low-density polyethylene, and the film contains a filler in an amount of not more than 5 parts by weight based on 100 parts by weight of the resin composition constituting the plastic film." Support can be found, for example, at page 11, line 7 from the bottom to page 12, line 17 of the specification as originally filed. No new matter is added.

Entry of the amendment along with reconsideration and review of the claims on the merits are respectfully requested.

Formal Matters

Applicants appreciate that the Examiner has accepted the drawings filed on January 29, 2004, and that the Examiner has considered and acknowledged the Information Disclosure Statements filed on September 16, 2003, and April 15, 2004.

Response to Claim Rejections - 35 U.S.C. § 112

A. Claims 1-5 are rejected under 35 U.S.C. § 112, second paragraph, as assertedly being indefinite.

The Examiner asserts that Claim 1 appears to contain several translation-related informalities. The Examiner suggests inserting --of said supporting substrate-- after "an uneven portion". The Examiner asserts that "a shape" is vague and indefinite. The Examiner also

asserts that the phrase "the maximum stress at an elongation of not more than 50% is larger than the stress at break" is believed to be compared to elements that do not have the same units, and the last phrase "an elongation at break is from 100 to 300%" should be compared against some expressed standard.

Applicants respectfully traverse the indefiniteness rejection.

Claim 1 is amended to recite "an uneven portion of the supporting substrate" as suggested by the Examiner.

Regarding the term "shape", Applicants traverse the Examiner's assertion that the shape is vague and indefinite. Figures 3A and 3B clearly show, by way of illustration and not by way of limitation, the element of "a shape extending in the vertical direction against the longitudinal direction being disposed on one side of the supporting substrate". See also the detailed description in the specification starting at page 12, last paragraph, to page 15.

Regarding the phrase "the maximum stress at an elongation of not more than 50% is larger than the stress at break" and the phrase "an elongation at break is from 100 to 300%", Applicants submit that these phrases are clear to one skilled in the art and point to the specification, for example Figure 1 and page 7, which clearly exemplifies and describes the requirements of these claim elements.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the indefiniteness rejection.

B. The specification is objected to under 35 U.S.C. § 112, first paragraph, as

assertedly failing to contain a written description of the invention, and of the manner and process of making and using it.

More particularly, the Examiner finds Applicants' Examples and comparative Examples to be confusing inasmuch as the embodiment of Example 2 appears to be completely satisfactory, while the embodiments of Comparative Examples 1, 3 and 5, which are formed from virtually the identical blend of low density polyethylene and high density polyethylene in a ratio 70% LDPE/30% HDPE as that of Example 2 are found to be inadequate. Furthermore, the Examiner believes that all of the embodiments are otherwise essentially prepared in the same manner, such that the specification appears to fail to teach how to make the claimed invention.

Applicants respectfully traverse the written description rejection.

The Examiner does not see how to distinguish the results of Example 2 from the results of Comparative Examples 1, 3 and 5, when the Comparative Examples are made in the same manner. In response, Applicants submit that the specification satisfies the written description requirement and enables the product claims in accordance with 35 U.S.C. § 112, first paragraph.

As discussed below, the grades (specifically, densities) of resins combined in the examples are different in each of the comparative examples.

The resin used in Example 2 is a blend of a low-density polyethylene having a density of 0.919 g/cm^3 and a high-density polyethylene having a density of 0.964 g/cm^3 .

The resin used in Comparative Example 1 is a blend of a low-density polyethylene having a density of 0.922 g/cm^3 and a high-density polyethylene having a density of 0.964 g/cm^3 .

The resin used in Comparative Example 3 is a blend of a low-density polyethylene

having a density of 0.922 g/cm^3 and a high-density polyethylene having a density of 0.956 g/cm^3 .

The resin used in Comparative Example 5 is a blend of a low-density polyethylene having a density of 0.926 g/cm^3 and a high-density polyethylene having a density of 0.964 g/cm^3 .

Thus, the mixtures in the Examples and Comparative Examples are distinguished by at least the differing densities of the combined resins, particularly the densities of the low-density polyethylenes.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. § 112, first paragraph.

C. Claims 1-5 are rejected under 35 U.S.C. § 112, first paragraph, as assertedly being based upon a non-enabling disclosure.

Applicants respond in the same manner as for the written description rejection of the specification given above at paragraph B. Thus, Claims 1-5 are clearly enabled by the disclosure.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. § 112, first paragraph.

Response to Claim Rejections - 35 U.S.C. § 102(b) or §103(a)

A. Claims 1-3 and 5 are rejected under 35 U.S.C. §102(b) as assertedly anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over either Chang, or Brown et al. '957 (Brown '762 is said to be cumulative).

The Examiner cites either Chang and/or Brown as each disclosing hand-tearable adhesive tapes wherein the non-coated adhesive tape has a suitable genus of a plurality of striations or lines of recess points running substantially transversely across the tape backing. The Examiner asserts that the tape backing can be made using any suitable olefin material such as polyethylene or polypropylene, and that the references teach that the properties of the adhesive tape regarding its tearability can be determined by selecting suitable size, depth and pitch of striations for selected thicknesses of the tape, one of ordinary skill being careful not to sacrifice a desired tensile strength. As such, the Examiner believes that the performance parameters in Applicants' claims, if not inherently disclosed, are an obvious optimization of tearability properties of the adhesive tape structure.

B. Claim 4 is rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over either Chang or Brown et al. '957 (Brown et al. '762 is said to be cumulative), each taken individually, or in view of Ishikawa et al.

The Examiner asserts that the particular blend of high density polyethylene and low density polyethylene set forth in claim 4 is believed to be at most an obvious optimization to one of ordinary skill in the art. Alternatively, the Examiner cites Ishikawa et al. as disclosing the presence of such blends as being suitable embodiments for adhesive tape backings.

Applicants respectfully traverse the anticipation and obviousness rejections in view of the cited references.

Both Chang and Brown fail to individually anticipate or render obvious the present invention of amended Claim 1.

Chang describes that polyvinyl chloride, polyethylene or a polyester is used as a film substrate. However, Chang neither describes nor suggests a plastic film made of a high-density polyethylene and low-density polyethylene and containing a filler in an amount of not more than 5 parts by weight based on 100 parts by weight of the resin composition constituting the plastic film according to the present invention. Thus, Chang fails to anticipate or render obvious the present invention.

Regarding Brown, although the Examiner believes that the performance parameters in Applicants' claims, if not inherently disclosed, are an obvious optimization of tearability properties of the adhesive tape structure, Applicants emphasize that Brown '957 (or Brown '762) fails to anticipate or render obvious at least Applicants' claimed element of "an elongation at break is from 100 to 300 %." Brown '957 teaches an elongation range of only about 40-80% (see Claim 2 and column 2, lines 52-55) (see also Brown '762 at column 3, lines 7-10). In comparison, Applicants disclose that when the elongation at break is less than 100%, the pressure-sensitive adhesive tape is liable to break during releasing (see page 9, first full paragraph). Thus, not only do the references to Brown fail to disclose the claimed elongation at break range, the references actually teach away from achieving the present invention.

Regarding Ishikawa, Ishikawa describes that a mixture of two types of polyethylene resins which are different in their densities from each other is used in Examples 3 to 7. However, each polyethylene resin contains 10% by weight of calcium carbonate as a filler. This is an embodiment close to Comparative Example 6 in the present application, which embodiment is different from the present invention. The present invention is characterized in

that the plastic film contains a filler in an amount of not more than 5 parts by weight based on 100 parts by weight of the resin composition constituting the plastic film (see page 11, line 7 from the bottom to page 12, line 17 in the specification of the present application).

Thus, neither Chang nor Brown anticipates or renders obvious the present invention. Furthermore, the secondary reference to Ishikawa fails to make up for the deficiencies in each of Chang and Brown.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the anticipation and obviousness rejections.

Conclusion

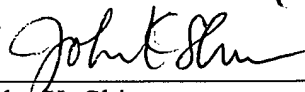
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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